

REMARKS

Claims 44, 65, 66, 79, and 87 are pending. By this Amendment, claims 44 and 65 are amended, and claims 1-43, 45-52, 54-64, 67-75, 78, 80, 81, 83-85, 88-91, 93 and 94 are canceled without prejudice.

35 U.S.C. §103(a)

Claims 44 and 87 were rejected under 35 U.S.C. §103(a) as being unpatentable over Levensten (2,286,427) in view of Chen (5,941,255), and further in view of Simonsen (2,995,409), and further in view of Townley (1,369,577).

As amended, independent claim 44 calls for an organizer having a top section and a middle section. The top section has a plurality of lift out drawers that are coupled to one another by a pair of hinges. The middle section has a plurality of drawers stacked one on top of the other and a pair of doors that can be pivoted to an open position to expose the plurality of drawers and the doors can be pivoted to a closed position to conceal the plurality of drawers. The plurality of drawers further includes removable, adjustable dividers and a ring platform located therein. The organizer has a lid pivotally connected to the top section, to cover or reveal the lift out drawers upon closing or opening, wherein the plurality of lift out drawers move independently of movement of the lid and wherein the direction of movement of the lift out drawers is substantially transverse to the direction of movement of the lid. The lid further includes a mirror on an interior portion thereof.

The Examiner noted that Levensten discloses a wood organizer having top, middle, and bottom sections, the top section having a lid and a compartment, a middle section having a compartment/plurality of drawers, and a bottom section. The Examiner further noted that Levensten fails to teach the top section having lift out drawers that move independently of a pivotally connected lid, and relies upon Chen for this teaching. The Examiner further noted that the combination of Levensten and Chen fails to teach a plurality of drawers that in a first position are stacked on one another and in a second position are slid out to an extended position to expose the interiors of the drawers, and relies upon Simonsen for this teaching. The Examiner noted further that the combination of Levensten, Chen, and Simonsen fails to teach the

middle section having a pair of doors that can be pivoted open or closed to reveal or conceal the plurality of drawers, and relies upon Townley for this teaching.

There is no suggestion in the references provided by the Examiner that they be modified or combined in the manner suggested by the Examiner. Absent such a suggestion, a person skilled in the art who was looking for a solution to the problem of providing improved access and organization of a large amount of jewelry would not be disposed to consider a reference such as the tool box or tackle box of Simonsen, or the tool chest of Levensten, neither of which is concerned with the accessibility and organization of jewelry. Moreover, the Examiner's proposed combination does not meet the terms of claim 44 as amended herein. As amended, claim 44 includes a mirror on an interior portion of the lid, as well as a ring platform within the plurality of drawers, neither of which is disclosed by the Examiner's proposed combination.

Applicant further argues that the Examiner has relied upon non-analogous art in combining references which disclose tool boxes/tool chests (Levensten and Simonsen), a kitchen cabinet (Townley), and a cosmetic case (Chen). *See MPEP § 2141.01(a)*. In *In re Oetiker*, a reference was found not to be within an applicant's field of endeavor and was not reasonably pertinent to the particular problem being solved because it had not been shown that a person of ordinary skill, seeking to solve the problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. 977 F.2d 1443 (Fed. Cir. 1992). The reasoning applied in *Oetiker* to a "fastening" problem applies with equal force to the "organizing" problem of the present invention – organizing jewelry is not analogous to organizing tools for the same reason that fastening hose clamps is not analogous to fastening garments. *Id.* The Levensten and Simonsen references are therefore non-analogous art references which cannot form the basis of an obviousness rejection of the present invention. For the above reasons, claim 44 is believed to be patentable.

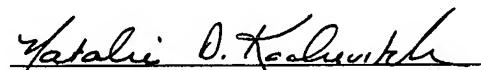
Claims 65, 66, and 87 are dependent upon independent claim 44 and are therefore believed to be patentable for at least the same reasons already discussed with reference to claim 44. The Examiner is respectfully requested to withdraw the rejection of claims 65, 66, and 87.

Claim 79 was rejected under 35 U.S.C. §103(a) as being unpatentable over Levensten in view Chen, and further in view of Simonsen, and further in view of Townley, and further in view of Bernstein (2,268,637). Claim 79 is dependent upon independent claim 44 and is therefore believed to be patentable for at least the same reasons already discussed above with reference to claim 44. The Examiner is respectfully requested to withdraw the rejection of claim 79.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance the prosecution of this application.

Respectfully submitted,

  
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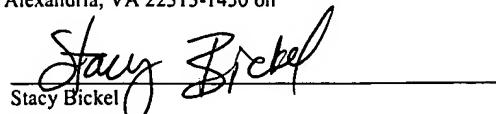
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